

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

REPUBLICAN PARTY OF WISCONSIN
and BRIAN SCHIMMING,

Plaintiffs,

v.

Case No. 24-CV-00867-JDP

TONY EVERS, MEAGAN WOLFE, and
JOSH KAUL,

Defendants.

DEFENDANTS' MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(1), Defendants move the Court for an order dismissing the Complaint. As the basis for this motion, Defendants incorporate by reference their Brief in Support of Motion to Dismiss. Briefly stated, this case should be dismissed because this Court lacks federal jurisdiction for the following reasons: (1) there is no adversity; (2) Plaintiffs lack standing — they allege no harm traceable to Defendants or that is redressable by them; and (3) Plaintiffs' preemption claim is merely a defense to what they allege are potential state law criminal or civil penalties. That is not a basis for Article III jurisdiction.

WHEREFORE, Defendants respectfully request that the Court dismiss with prejudice all of Plaintiffs' claims against Defendants.

Dated this 11th day of December 2024.

Respectfully submitted,

JOSHUA L. KAUL
Attorney General of Wisconsin

s/ Charlotte Gibson
CHARLOTTE GIBSON
Assistant Attorney General
State Bar #1038845

Attorneys for Defendants

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 957-5218
(608) 294-2907 (Fax)
gibsoncj@doj.state.wi.us

additional counsel for Governor:
States United Democracy Center
Christine P. Sun*
506 S. Spring St. #13308
Los Angeles, CA 90013
christine@statesuniteddemocracy.org
Tel: 615-574-9108

Zack Goldberg*
45 Main St., Suite 320
Brooklyn, NY 11201
zack@statesuniteddemocracy.org
Tel: 917-656-6234

**Pro Hac Vice Application Forthcoming*